

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**DEFENDANT AMERICAN AIRLINES, INC.'S OPPOSITION TO PLAINTIFF'S FIFTH MOTION IN LIMINE SEEKING TO PRECLUDE AMERICAN AIRLINES, INC. FROM INTRODUCING INTO EVIDENCE THE SECURITY INCIDENTS ARISING AFTER PLAINTIFF WAS REMOVED FROM FLIGHT 2237 ON DECEMBER 28, 2003 AND PURSUANT TO WHICH A DECISION WAS MADE NOT TO REBOOK PLAINTIFF FOR FURTHER TRAVEL ON THE DATE IN QUESTION**

American Airlines, Inc. ("American") refused to rebook Plaintiff and two other passengers after they were removed from Flight 2237 on December 28, 2003 for questioning in connection with suspicious behavior that they each exhibited. Plaintiff now seeks to preclude information of which American and law enforcement learned between the time that Plaintiff and two other passengers were removed from the flight and the time that they learned they had been denied rebooking. Specifically, between the time that the passengers were removed and American denied rebooking for the day to Plaintiff and the two other passengers, the following events of significance to American's decision not to rebook Plaintiff occurred:

- 1) another passenger alleged Plaintiff or one of the two gentlemen seated next to him on the flight surrendered and/or had a box cutter removed at the security check point;
- 2) TSA and Massachusetts State Police removed all passengers and their luggage from Flight 2237 for rescreening; and
- 3) Massachusetts State Police searched the aircraft, including bringing bomb-detecting dogs onto the flight.

Plaintiff contends that these events are irrelevant to American's decision not to rebook Plaintiff for further travel on American on the date in question, and/or because the probative value of evidence regarding these events is outweighed by its potentially prejudicial impact.

Contrary to Plaintiff's assertions, these events have direct bearing on the decisions made by American on the date in question. The person making the decision to deny rebooking, Craig Marquis, testified at deposition that the bases for his decisions regarding rebooking emanate from the totality of the circumstances in question as reported to him by the captain of the flight, law enforcement personnel, and ground control personnel. Deposition of Craig Marquis, attached hereto as Exhibit 1, pp. 26-29. Under the circumstances, the aforementioned information would have been taken into consideration at the time he made his decision to deny Plaintiff rebooking. *Id.* As such, the information has relevance to Plaintiff's claims and American's defenses thereto.

Finally, Plaintiff mistakenly relies on *Simmons v. American Airlines* as authority for the proposition that post-removal events are inadmissible. 34 Fed. Appx. 573, 575 n.1 (9<sup>th</sup> Cir. 2002). In *Simmons*, the issue in question was the plaintiff's conduct aboard the flight in question – nothing more, and nothing less. *Id.* In the instant case, Plaintiff challenges not only his initial removal from the subject flight, but also the decision to deny him rebooking on the date in question. One of the central issues of this case, denial of rebooking, involves events subsequent to Plaintiff's removal from the flight, making them a relevant topic of inquiry at trial.

Moreover, plaintiff would not suffer unfair prejudice by admission of this information. Generally speaking, a party has no motivation to introduce evidence unless it is prejudicial to the opposing party. *Daigle v. Maine Medical Center*, 14 F.3d 684, 690 (1<sup>st</sup> Cir.1994). The question is whether such evidence creates "unfair prejudice." See *Swajian v. General Motors Corp.*, 916

F.2d 31, 34 (1<sup>st</sup> Cir.1990). “ ‘Unfair prejudice’ ... means an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one.” Advisory Note, Fed.R.Evid. 403. By definition, Plaintiff fails to show unfair prejudice in this instance. By contrast, precluding American from introducing evidence regarding the security concerns in place at the time Mr. Marquis made the decision to deny rebooking would obliterate any attempt by American to educate a jury as to the bases of that decision. *See generally Swajian*, 916 F.2d at 34.

For the reasons set forth herein, Plaintiff’s fifth motion in limine should be denied with prejudice.

Respectfully submitted,  
**AMERICAN AIRLINES, INC.**  
By its Attorneys,

/s/ Amy Cashore Mariani  
Michael A. Fitzhugh, (BBO 169700)  
Amy Cashore Mariani, (BBO #630160)  
**FITZHUGH, PARKER & ALVARO LLP**  
155 Federal Street, Suite 1700  
Boston, MA 02110-1727  
(617) 695-2330

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 30, 2006.

/s/ Amy Cashore Mariani  
Amy Cashore Mariani

**05-11652-WGY**

**John D. Cerqueira**

**vs.**

**American Airlines**

**Deposition of Craig Marquis**

**June 15, 2006**



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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,                     )  
   )  
Plaintiff   )  
  
V.   )     CIVIL ACTION NO.  
   )     05-11652-WGY  
AMERICAN AIRLINES, INC.,             )  
  
Defendant                                     )

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ORAL DEPOSITION OF  
CRAIG MARQUIS  
JUNE 15, 2006

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ORAL DEPOSITION OF CRAIG MARQUIS, produced as a  
witness at the instance of the Plaintiff, and duly sworn,  
was taken in the above-styled and numbered cause on the  
15th of June, 2006, from 2:30 p.m. to 3:37 p.m., before  
Thu Bui, CSR in and for the State of Texas, reported by  
machine shorthand, at the offices of American Airlines,  
4333 Amon Carter Boulevard, Fort Worth, Texas, pursuant  
to the Fed.R.Civ.P.30.

Craig Marquis

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 Mr. Michael T. Kirkpatrick</p> <p>3 PUBLIC CITIZENS LITIGATION GROUP</p> <p>4 1600 200th Street, N.W.</p> <p>5 Washington, D.C. 20009</p> <p>6 Phone: 202-588-7728 Fax: 202-588-7795</p> <p>7 Email: mkirkpatrick@citizen.org</p> <p>8 APPEARING FOR THE PLAINTIFF</p> <p>9 Mr. Michael A. Fitzhugh</p> <p>10 FITZHUGH, PARKER &amp; ALVARO LLP</p> <p>11 155 Federal Street, Suite 1700</p> <p>12 Boston, Massachusetts 02110-1727</p> <p>13 Phone: 617-695-2330 Fax: 617-695-2335</p> <p>14 Email: mfitzhugh@fitzhughlaw.com</p> <p>15 APPEARING FOR THE DEFENDANT</p>	<p style="text-align: right;">Page 4</p> <p>1 CRAIG MARQUIS,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. KIRKPATRICK:</p> <p>5 Q Good afternoon, Mr. Marquis.</p> <p>6 A Hello.</p> <p>7 Q We met earlier, but just for the record, my name</p> <p>8 is Michael Kirkpatrick and I represent John Cerqueira,</p> <p>9 who has brought this case against American Airlines.</p> <p>10 MR. KIRKPATRICK: Mr. Fitzhugh, same</p> <p>11 stipulations as the last one?</p> <p>12 MR. FITZHUGH: Yes.</p> <p>13 You'll have an opportunity to read and sign</p> <p>14 your deposition transcript, but there won't be a need for</p> <p>15 a notarization, but I'll get it transmitted to you.</p> <p>16 THE WITNESS: Okay.</p> <p>17 Q Mr. Marquis, would you just state your name and</p> <p>18 address for the record, please?</p> <p>19 A Craig Marquis, M-a-r-q-u-i-s, address, 4403</p> <p>20 Spring Creek Road, Arlington, Texas, 76017-1268.</p> <p>21 Q Mr. Marquis, have you had your deposition taken</p> <p>22 before?</p> <p>23 A For this case?</p> <p>24 Q No, in any case.</p> <p>25 A Yes, I have.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances..... 2</p> <p>4 Stipulations..... 4</p> <p>5 CRAIG MARQUIS</p> <p>6 Examination by Mr. Kirkpatrick..... 4</p> <p>7 Examination by Mr. Fitzhugh..... 41</p> <p>8 Signature and Changes..... 44</p> <p>9 Reporter's Certificate..... 46</p>	<p style="text-align: right;">Page 5</p> <p>1 Q About how many times?</p> <p>2 A I believe I've been deposed two other times.</p> <p>3 Q What were those cases about?</p> <p>4 A One was for 9-11 and one was for a job that I</p> <p>5 had prior to the airline business.</p> <p>6 Q I just want to quickly go over the ground rules</p> <p>7 for today. I am here to ask you some questions, to</p> <p>8 gather some information, and your job is simply to give</p> <p>9 me your best and -- and most honest answer. You are</p> <p>10 under oath as though we were in a court of law even</p> <p>11 though we're in this informal atmosphere.</p> <p>12 It's important because the court reporter</p> <p>13 is taking down my questions and your answers that we not</p> <p>14 speak at the same time, so I would just ask that you wait</p> <p>15 until I finish my question before you start to give your</p> <p>16 answers so that we get a clean transcript. Also if you</p> <p>17 don't understand one of my questions, please let me know</p> <p>18 and I'll try to repeat it or rephrase it so that you do</p> <p>19 understand it.</p> <p>20 And if Mr. Fitzhugh objects to some of my</p> <p>21 questions, those are objections for the record that we'll</p> <p>22 deal with later if we need to. But unless he instructs</p> <p>23 you not to answer, you should still try to answer my</p> <p>24 question even though he's made an objection for the</p> <p>25 record.</p>

2 (Pages 2 to 5)

Craig Marquis

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<p style="text-align: right;">Page 6</p> <p>1 And I don't think it'll take us too long 2 this afternoon, but if you need a break let me know and 3 I'm happy to stop and take a break. But I would ask that 4 we finish the -- the question that's pending and maybe 5 the line of questioning and find a convenient place to 6 take a break if we need to do that. 7 Do you understand these instructions? 8 A Yes, I do. 9 Q Do you know of any reason that would prevent you 10 today from giving me your best full and honest answers? 11 A None. 12 Q Did you do anything to prepare for the 13 deposition today? 14 A Yes, I did. 15 Q What did you do? 16 A I read the information that Michael had sent me, 17 just the due diligence, so that I could prepare and give 18 an accurate and helpful testimony. 19 Q What were those documents, do you recall? 20 A They were letters back and forth from different 21 attorneys, the letter from the client, the letter back 22 from American Airlines in response. 23 Q Is it your understanding that those are 24 documents that the parties have exchanged in the course 25 of this lawsuit?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q How many people do you have working for you on a 2 particular shift? 3 A I'm the operational manager for the whole 4 airline, so the whole airline works for me. 5 Q Okay. What about within SOC, within your sort 6 of work place, how many people do you typically have 7 helping you carry out your duties? 8 A In SOC at one time? 9 Q Yeah. 10 A Probably 3' or 400. SOC encompasses a lot of 11 different departments. 12 Q And you're in charge of all of SOC; is that 13 right? 14 A That's correct. 15 Q Can you explain to me the position of CCRO and 16 how that position interacts with the SOC manager? 17 A The CCRO is a federally mandated position; it's 18 corporate complaint resolution officer. Those people 19 were trained in the laws of disabilities, and they know 20 the rules and regulations, either the law or American 21 Airlines guidelines and rules, and they sit two seats 22 down from my position, very close relationship, a lot of 23 interaction. 24 Q And have you been trained in the same things 25 that the CCRO's have been trained in?</p>
<p style="text-align: right;">Page 7</p> <p>1 A Yes. 2 Q Other than your discussions with -- with the 3 lawyers for American Airlines, did you talk to anybody 4 else about today's deposition? 5 A No. 6 Q How long have you been employed by American 7 Airlines? 8 A 19 years. 9 Q What is your current position? 10 A I'm the operational manager in SOC, which is 11 system operations control. 12 Q How long have you had that job? 13 A Approximately six years. 14 Q Could you describe for me your duties in that 15 position? 16 A I represent higher management on this side of 17 the highway to operate the published schedule efficiently 18 and safely. 19 Q And on a daily basis, what are the kinds of 20 tasks that you're required to carry out in order to keep 21 the operation operating on schedule and safely? 22 A I take into consideration equipment that may be 23 out of service, manpower issues, air traffic control 24 issues, weather issues, safety issues, security issues, 25 environmental issues.</p>	<p style="text-align: right;">Page 9</p> <p>1 A I have not. 2 Q Do you supervise the CCRO? 3 A I do. 4 Q Prior to becoming operations manager, what other 5 positions did you have at American Airlines? If you 6 could just sort of work back in time, tell me the other 7 jobs you've had. 8 A I started as an assistant dispatcher, then 9 became a dispatcher, then became an equipment coordinator 10 and became a sector manager and then a center manager. 11 Q Is there only one CCRO on duty at a time? 12 A There is only one CCRO position. 13 Q Were you working on December 28, 2003? 14 A Yes, I was. 15 Q What time did your shift start that day? 16 A I believe 6:00 a.m., central. 17 Q And on that day, did you become aware that there 18 was an incident or concern with respect to Flight 2237, 19 which was a scheduled flight from Boston Logan Airport to 20 Ft. Lauderdale? 21 A I do not recall. 22 Q Is it your understanding, from the documents you 23 reviewed, that an incident occurred that day that 24 involved the removal of some passengers from that flight? 25 A Yes.</p>

3 (Pages 6 to 9)

Thu Bui, CSR

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<p style="text-align: right;">Page 10</p> <p>1 Q Other than what you've learned by preparing for 2 this deposition, do you have any specific recollection of 3 what you did on December 28, 2003 with respect to that 4 flight out of Boston Logan? 5 A No. 6 Q Do you have any specific recollection of anybody 7 you talked to that day, any conversations you had 8 regarding the incident with Flight 2237? 9 A No. 10 Q Do you know how long you were involved in 11 matters relating to that Flight 2237? 12 A I don't recall. 13 Q Do you recall how you were first made aware, I'm 14 assuming that you were, that there was an incident with 15 that flight? 16 A Again, I don't recall. 17 Q Do you have any recollection of any tasks that 18 you carried out on December 28, 2003 with regard to the 19 removal of passengers or denial of re-booking related to 20 that flight? 21 A I do not recall. 22 Q Did you have any role in the decision to remove 23 three passengers from Flight 2237 for questioning by law 24 enforcement? 25 A No, I do not recall.</p>	<p style="text-align: right;">Page 12</p> <p>1 remove those passengers for questioning, am I right? 2 A That's correct. 3 Q On December 28, 2003, did you do anything to 4 determine whether any of the passengers on that flight 5 posed a security threat? 6 A I do not recall. 7 MR. FITZHUGH: If it'll help, we can 8 stipulate that's the day. You can just say on the day in 9 question. 10 MR. KIRKPATRICK: Thank you. 11 Q And when I say "the incident", we all know what 12 I'm referring to. 13 A Okay. 14 MR. FITZHUGH: We'll so stipulate. 15 Q Did you draw any conclusions on that day about 16 whether John Cerqueira was a security risk? 17 A I do not recall. 18 Q Did you do any type of investigation about 19 Mr. Cerqueira or the other two passengers removed from 20 that flight? 21 A I do not recall. 22 Q On that date, did you learn the results of any 23 law enforcement questioning of these passengers in 24 Boston? 25 A I do not recall.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Do you recall whether anyone at SOC was 2 involved, any person other than yourself, do you recall 3 anybody else was -- was working on incidents related to 4 this Flight 2237? 5 MR. FITZHUGH: Objection, form. 6 You can still answer if you -- 7 Q If you understand my question. 8 MR. KIRKPATRICK: It wasn't a good 9 question, but I think he understands what I'm saying. 10 Q Was there anybody else that you can recall right 11 now, this is the guy who handled that incident, do you 12 recall anybody else who was directly involved in this 13 incident? 14 A I do not recall. 15 Q Do you know who made the decision to have three 16 passengers removed from Flight 2237? 17 A Other than the information from the paperwork? 18 Q Okay. Yeah. Setting aside anything that you've 19 learned -- 20 A No. 21 Q -- from the paperwork you looked at in 22 preparation for today's deposition? 23 A No, I do not recall. 24 Q Okay. And I take it that you then do not recall 25 what the specific reasons were for that decision to</p>	<p style="text-align: right;">Page 13</p> <p>1 Q Did you communicate with the pilot to that 2 flight -- it was Captain John Ehlers -- did you 3 communicate with him on that day? 4 A I do not recall. 5 Q Who made the decision to deplane all the 6 passengers and re-screen them? 7 A I do not recall. 8 Q Who made the decision to have dogs brought onto 9 the plane? 10 A I do not recall. 11 Q Were you involved in making the decision that 12 the three passengers removed for questioning would not be 13 rebooked on the later American Airlines flight that day? 14 A I do not recall. 15 Q Do you know the basis for the decision not to 16 rebook those passengers on a later flight? 17 A I do not recall. 18 Q Do you recall anybody that you received 19 information from on that date about this incident? 20 A I do not recall. 21 Q Do you recall anybody that you provided 22 information to on that date about this incident? 23 A No. 24 Q Do you know when the decision was made to deny 25 further service to these three passengers?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A No.</p> <p>2 Q Do you know how the decision not to rebook these</p> <p>3 passengers was communicated to American Airlines'</p> <p>4 personnel in Boston?</p> <p>5 A I do not recall.</p> <p>6 Q Do you know whether the three individuals</p> <p>7 removed from the flight are barred from further travel on</p> <p>8 American Airlines?</p> <p>9 A Other than from the deposition or other from the</p> <p>10 paperwork? It was stated in the paperwork that they as</p> <p>11 of January 6th, is that correct, 2004, they allowed that</p> <p>12 person to travel; is that correct?</p> <p>13 Q Okay. There are documents, yes, that --</p> <p>14 A I remember reading that in the document, --</p> <p>15 Q In preparation --</p> <p>16 A -- that's all the information I know.</p> <p>17 Q Okay. Other than any review of documents you</p> <p>18 did in preparation for this deposition, do you have any</p> <p>19 knowledge about whether these individuals -- how long the</p> <p>20 denial of service lasted?</p> <p>21 MR. FITZHUGH: Objection, form. Why don't</p> <p>22 you ask for each particular person?</p> <p>23 MR. KIRKPATRICK: Okay.</p> <p>24 Q With regard to Mr. Cerqueira, do you know how</p> <p>25 long he was barred from travel on American Airlines?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q In preparation for this deposition, did you see</p> <p>2 any documents that you had a hand in preparing?</p> <p>3 A Other than the ones that were in the file, no.</p> <p>4 Q Okay. Let's take a look at some documents,</p> <p>5 because I'm not privy to what was in the file that you</p> <p>6 looked at. But I'd like to just take a look at a series</p> <p>7 of documents and, first, if you can tell me whether it's</p> <p>8 one of the documents you reviewed in preparation for the</p> <p>9 deposition, that would be helpful.</p> <p>10 First, I'm going to show you what was</p> <p>11 previously marked as Exhibit 12, and this is a passenger</p> <p>12 name record for John Cerqueira. And it's five pages, so</p> <p>13 if you want to take a moment to familiarize yourself with</p> <p>14 it.</p> <p>15 A I have seen this PNR.</p> <p>16 Q When did you see it first?</p> <p>17 A I saw this PNR a couple of weeks ago when I was</p> <p>18 giving information on a case for Michael.</p> <p>19 Q To prepare for the deposition?</p> <p>20 A That's correct.</p> <p>21 Q On December 28, 2003, did you add any</p> <p>22 information to the detail notes for the event with this</p> <p>23 ID number?</p> <p>24 A No, I don't do that.</p> <p>25 Q Did you instruct Rhonda Cobbs to add any</p>
<p style="text-align: right;">Page 15</p> <p>1 A Other from that documentation, I do not.</p> <p>2 Q With regard to the other passengers removed from</p> <p>3 that flight, and the first one who is apparently in the</p> <p>4 aisle seat, Oren Ashmil, do you know how long he was</p> <p>5 barred from travel on American Airlines?</p> <p>6 A No.</p> <p>7 Q What about for Vittorio Daniel Rokah, who was in</p> <p>8 the middle seat?</p> <p>9 A No.</p> <p>10 Q Before preparing for today's deposition, did</p> <p>11 anybody from American Airlines contact you after</p> <p>12 December 28, 2003 to discuss this incident?</p> <p>13 A Alec did.</p> <p>14 Q That would be Alec Bramlett?</p> <p>15 A That's correct.</p> <p>16 Q Do you recall when that was?</p> <p>17 A I do not. I was on shift; he called, asked me</p> <p>18 if I recalled; I did not.</p> <p>19 Q Do you have any -- do you have any --</p> <p>20 A Can I look at this?</p> <p>21 MR. FITZHUGH: No. That's for the</p> <p>22 stenographer, just for some names.</p> <p>23 Q Did you prepare any documents or reports the day</p> <p>24 of the incident regarding the incident?</p> <p>25 A I do not recall.</p>	<p style="text-align: right;">Page 17</p> <p>1 information to this passenger name record?</p> <p>2 A I do not recall.</p> <p>3 Q Did you instruct Nicole Traer to add any</p> <p>4 information to this passenger name record?</p> <p>5 A I do not recall.</p> <p>6 Q Mr. Marquis, if you would please turn to the</p> <p>7 second page, which is AA0024, and the -- the first entry</p> <p>8 under the -- the time stamp, correct me if I'm wrong, but</p> <p>9 I believe this means passenger denied travel on Flight</p> <p>10 2237 per SOC Craig, due to security issue. CCRO will add</p> <p>11 event number shortly. Please refund tickets due to deny.</p> <p>12 Boston customer service manager, N. Traer; is that</p> <p>13 correct?</p> <p>14 A I see that.</p> <p>15 Q Does the notation, per SOC Craig due to security</p> <p>16 issue, do you believe that that's referring to you?</p> <p>17 A Yes.</p> <p>18 Q Does this refresh your recollection at all</p> <p>19 about -- about whether you made a decision to deny</p> <p>20 boarding and refund the tickets to this passenger?</p> <p>21 A It does not.</p> <p>22 Q Looking down then, just a couple of lines below</p> <p>23 that, there's an entry with the event ID number. And it</p> <p>24 states that above passenger denied boarding Flight 2237</p> <p>25 Boston-Ft. Lauderdale per SOCMOD, due security issues</p>

5 (Pages 14 to 17)

Craig Marquis

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<p style="text-align: right;">Page 18</p> <p>1 refund ticket. Do not rebook on AA. And that,  2 apparently, was input by Rhonda Cobbs. Are you the --  3 were you the SOC, I guess, manager on duty that day?  4 A Yes, I was.  5 Q Do you recall telling Rhonda Cobbs that this  6 passenger should not be rebooked on American Airlines?  7 A I do not recall.  8 Q I think I can -- we're done with that exhibit.  9 Mr. Marquis, I'm showing you what's been previously  10 marked as Deposition Exhibit 18. If you wouldn't mind  11 taking a look at these -- these pages that have been  12 collected together and labeled Exhibit 18. Let me know  13 when you got a chance to take a look at it.  14 A Okay.  15 Q Do the documents we've labeled as Exhibit 18,  16 are these among the documents you reviewed in preparation  17 for the deposition?  18 A I'm not sure these all were here, but I  19 remember -- I remember seeing the aircraft -- the  20 aircraft routing, some of the crew information. I don't  21 recall that all of these were in that paperwork.  22 Q Do any of these exhibit pages in Exhibit 18, do  23 any of them refresh your recollection about the incident?  24 A They do not. Mr. Kirkpatrick, it doesn't seem  25 to be anything spectacular or outstanding about all the</p>	<p style="text-align: right;">Page 20</p> <p>1 specifically what she observed?  2 A I do not recall.  3 Q It also indicates that law enforcement officers  4 removed passengers, detained, questioned, and released  5 them. Do you recall anything about what law enforcement  6 did with respect to these passengers?  7 A No, I do not.  8 Q It says, per SOCMOD passengers denied boarding  9 and tickets refunded; do you recall any specific reasons  10 why that decision was made?  11 A I do not.  12 Q It also says that security search of aircraft  13 was performed by dogs; do you recall specifically why  14 that was done?  15 A I do not.  16 Q And it says that the flight attendants were  17 replaced due to trauma; do you recall what it was that  18 caused that trauma?  19 A I do not.  20 Q Thank you. I'm handing you what's been marked  21 as Exhibit 13. Is this one of the documents you reviewed  22 in preparation for today's deposition?  23 A It may have been.  24 Q Thank you. I'm handing you what's been marked  25 as Exhibit 11. What is Exhibit 11?</p>
<p style="text-align: right;">Page 19</p> <p>1 paperwork that I've looked at that would stay in my mind.  2 Q So, in other words, none of that has refreshed  3 your recollection?  4 A That's correct.  5 Q Okay. Thank you, for -- for cutting to the  6 chase there. I am though, just for the record, going to  7 put you through a few more paces here.  8 A That's fine.  9 Q If you wouldn't mind taking a quick look at  10 Exhibit 14, and is this a document that you reviewed in  11 preparation for today's deposition?  12 A I don't recall. I mean, there was a lot of --  13 this is just general reporting for an event. There's no  14 reason that this piece should stand out.  15 Q Okay.  16 A It's just reporting.  17 Q All right. I'd like to ask you a couple of  18 questions following up on -- on this Exhibit 14. Where  19 it says, passengers reportedly exhibited suspicious  20 behavior in airport towards captain, do you know  21 specifically what behavior that was?  22 A I do not recall.  23 Q It -- it continues that there was some sort of  24 suspicious behavior on the aircraft observed by Number 2  25 flight attendant, Boston based S. Walling; do you know</p>	<p style="text-align: right;">Page 21</p> <p>1 A It looks like a request to -- from a flight  2 service manager or person asking the flight attendants to  3 submit a report.  4 Q Do you know whether reports were solicited at  5 your instruction?  6 A I do not recall.  7 Q What would be the purpose of asking the flight  8 service people to file a report?  9 A Just for information gathering.  10 Q Who do those reports go to, in other words, any  11 reports generated, you know, by flight attendants or  12 the -- the captain relating to this incident, would those  13 ordinarily be something that would go back to SOC manager  14 on duty or --  15 A If I requested them specifically, they come to  16 me. If I didn't, then there's a reporting system called  17 the Event Call Center and they're submitted to the Event  18 Call Center, and flight service then handles them.  19 Q If they're submitted to that Event Call Center,  20 in your position, would you ever have reason to go back  21 and review them?  22 A Hypothetically?  23 Q Yeah.  24 A If I had a question, I'd go and look at them.  25 Q Do you know whether you did, with respect to</p>

6 (Pages 18 to 21)

Craig Marquis

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<p style="text-align: right;">Page 22</p> <p>1 this incident, whether you went to look at any reports 2 that were filed? 3 A I do not recall. There's nothing outstanding on 4 this report, you know, it isn't a 9-11, it isn't Richard 5 Reid, it isn't, you know, a passenger being shot by FAMS. 6 There's nothing here that stands out. 7 Q All right. Okay. Thank you. 8 A You're welcome. 9 MR. FITZHUGH: FAMS means Federal Air 10 Marshals? 11 THE WITNESS: That's correct. 12 Q In preparation for today's deposition, did you 13 review call center reports filed by the flight 14 attendants? 15 A The only thing I reviewed was the paperwork that 16 I received from Michael. 17 Q Okay. I'm going to show you a series of 18 exhibits, there's about five of them. And my question is 19 going to be the same for each, and it's whether you have 20 seen it before. 21 A Seen them, okay. 22 Q And if so, whether you saw it in preparation for 23 today's deposition or somewhere else. 24 MR. FITZHUGH: Could we go off the record? 25 It may help.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Anywhere else? 2 A No, sir. 3 Q I'm handing you what's been marked as Deposition 4 Exhibit 16. This has been previously identified as the 5 statement of Captain Ehlers. Have you seen this before? 6 A Yes. 7 Q In preparation for today? 8 A That's correct. 9 Q Anywhere else? 10 A No, sir. 11 Q Are there any other documents or reports that 12 were prepared contemporaneously to this incident by 13 American Airlines' personnel that you reviewed, and that 14 we haven't looked at today? 15 A No, not that I know of. 16 Q Okay. Did you prepare any written report 17 related to this incident? 18 A I did not. 19 Q Do you know whether the CCRO that day prepared 20 any written report other than the detail notes that we've 21 looked at? 22 A No. 23 Q You don't know or she did not? It wasn't a very 24 good question. 25 A The information you have there with Rhonda's</p>
<p style="text-align: right;">Page 23</p> <p>1 (Off the record from 3:01 to 3:01 p.m.) 2 Q Mr. Marquis, I'm handing you Exhibit 1, which 3 has previously been identified as a call center report of 4 Flight Attendant Walling. Have you seen this before? 5 A Yes. 6 Q In preparation for today's deposition? 7 A That's correct. 8 Q Anywhere else? 9 A No, sir. 10 Q I'm handing you what's been marked as Exhibit 5. 11 This has been previously identified as the call center 12 report of Flight Attendant Sargent. Have you seen this 13 document before? 14 A Yes. 15 Q In preparation for today's deposition? 16 A That's correct. 17 Q Anywhere else? 18 A No, sir. 19 Q I'm handing you what's been previously marked as 20 Exhibit 9, which has been identified as a call center 21 report of Flight Attendant Milencovic. Have you seen 22 this before? 23 A Yes, I have. 24 Q In preparation for today? 25 A That's correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 name on it is the correct way that we report, -- 2 Q And -- 3 A -- that is the only report that she would do. 4 Q Okay. And as far as you know, that represents 5 the totality of what she recorded that day? 6 A That's correct. 7 Q Thank you. You mentioned earlier that 8 Mr. Bramlett contacted you to discuss this incident at 9 some time after December 20th, 2003. Other than that 10 contact and your contacts in preparation for today's 11 deposition, has anyone else from American Airlines 12 contacted you to discuss this incident? 13 A No. 14 Q Has anyone from outside American Airlines, such 15 as a government agency or a law enforcement agency, 16 contacted you to discuss this incident? 17 A No. 18 Q When a passenger is removed from a flight or 19 denied boarding because of a perceived security concern, 20 ordinarily, how long will the denial of service last 21 before that person can fly again? 22 A To the extent you can -- can tell me that. 23 MR. FITZHUGH: I'm going to instruct the 24 witness not to answer the question to the extent it would 25 call for the disclosure of sensitive security information</p>

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<p style="text-align: right;">Page 26</p> <p>1 within the purview of 49 CFR 1520.5.  2 If you can answer the question without  3 disclosing such information, you may try to.  4 A It varies.  5 Q Where is it recorded to let, you know, for  6 example, ticket counter personnel know that somebody  7 should not be allowed to travel on American Airlines?  8 MR. FITZHUGH: Is it for security issues  9 or --  10 MR. KIRKPATRICK: Yes, yes.  11 MR. FITZHUGH: Okay. I'm going to instruct  12 the witness not to answer the question for the same  13 reasons as stated in my earlier instruction.  14 Q If a passenger is removed or denied boarding, so  15 that further investigation can be done to determine if  16 there is security risk and nothing threatening or unusual  17 is found, are they ordinarily rebooked on a later  18 American Airlines flight?  19 A Hypothetically?  20 Q Yes.  21 A Removed by who?  22 Q For example, if the flight crew thought somebody  23 was behaving suspiciously, they have that person removed  24 and some type of law enforcement agent investigated that  25 person and found that there was an innocent explanation</p>	<p style="text-align: right;">Page 28</p> <p>1 Q So, generally, the manager on duty in SOC would  2 verbally tell the CCRO the decision as to whether to  3 rebook or not, the CCRO would then input that information  4 into the computer system; is that right?  5 A That's correct.  6 Q When there is a security incident, such as the  7 one that happened in this case, do you, as the SOC  8 manager on duty, communicate directly with the crew  9 members, for example, the pilot ordinarily? I know you  10 don't know remember the specifics of this incident, but,  11 ordinarily, would you get on the phone with the pilot?  12 A In general, there are procedures in place where  13 the pilot contacts SOC, yes.  14 Q And is it the manager on duty the point of  15 contact for the pilot?  16 A Yes.  17 Q Other than communicating with the pilot, are  18 there other individuals that the manager on duty and SOC  19 would ordinarily be in communication with?  20 MR. FITZHUGH: Under what circumstances?  21 Q Under these circumstances, where a passenger has  22 been identified as potentially suspicious and there's  23 been a decision to remove the passenger, and the next  24 thing that happened is somebody contacts SOC manager on  25 duty. Under those circumstances, do you ordinarily have</p>
<p style="text-align: right;">Page 27</p> <p>1 for whatever was perceived as -- as suspicious, and said  2 this person does not pose a risk for the security of the  3 flight, would that passenger ordinarily be rebooked on a  4 later flight?  5 A Each event is decided on its own merit and  6 conditions and conduct. You're being very general.  7 Q I'm just wondering if there's a general rule.  8 A There is no general rule or guideline. You take  9 the combination of all the information for that specific  10 situation, you take your training, you take your  11 experience, and you make the decision.  12 Very generally, we're in the passenger  13 service business that carries passengers, we don't make  14 money if we leave everyone standing at the gate.  15 Q Is the decision whether a passenger should be  16 rebooked made by the SOC manager on duty?  17 A Yes.  18 Q Is there anybody else who has the authority to  19 make the decision that somebody should not be rebooked?  20 A No.  21 Q When you make a decision that a passenger should  22 not be rebooked, do you record the reason anywhere?  23 A We have a recording -- do you see the recordings  24 in that -- the CCRO enters, that's the recording data  25 that we use.</p>	<p style="text-align: right;">Page 29</p> <p>1 people that you communicate with?  2 A Well, there is no ordinary circumstance.  3 Q Okay.  4 A Every circumstance is different. It would be  5 very easy to check boxes and make every circumstance  6 ordinary. No event is ordinary. I can tell you that I  7 communicate with people at the station that are passenger  8 service people, ground security people, law enforcement  9 people, crew members, yes.  10 Q Okay. Just so we're clear, with respect to this  11 incident, you don't recall the specifics of anybody you  12 may have communicated with?  13 A That is correct.  14 Q Has American Airlines provided you with training  15 on carrying out your duties in a nondiscriminatory  16 manner?  17 A Yes. We have a very clear and strong  18 anti-discrimination policy, and I think it's a law.  19 Q Has the -- the substance of that training  20 changed since December 28, 2003?  21 A No.  22 Q Does American Airlines have set procedures and  23 protocols for how to respond if a member of a flight crew  24 thinks a passenger is suspicious? And I'm not asking you  25 for the details, but does American Airlines have such a</p>

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<p style="text-align: right;">Page 30</p> <p>1 procedure or protocol in place?</p> <p>2 A No.</p> <p>3 Q Everything is handled on case-by-case basis?</p> <p>4 A That's correct.</p> <p>5 Q So the procedure is to contact SOC manager on</p> <p>6 duty, and then from there decisions are made about where</p> <p>7 it goes from there; is that right?</p> <p>8 A Not always. I mean, there's other people that</p> <p>9 make security decisions; it depends on the severity. I</p> <p>10 mean, as an example, they can find a bullet on board an</p> <p>11 aircraft on the ground. They're going to take the bullet</p> <p>12 off on their own, then they'll contact me. I haven't</p> <p>13 made that decision, but they have -- they're also</p> <p>14 trained. They, you know, everyone follows the exact same</p> <p>15 protocol, I mean, our training's the same, okay?</p> <p>16 Q And so the individuals involved in making those</p> <p>17 decisions could be the captain, could be ground security</p> <p>18 coordinator, could be any number of people?</p> <p>19 A As far as what decision?</p> <p>20 Q A decision whether a passenger should be removed</p> <p>21 and further screened because of some sort of --</p> <p>22 A No. You were talking in general before. A</p> <p>23 Captain or a GSE cannot remove a passenger. They cannot</p> <p>24 do that --</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 32</p> <p>1 he's the in-flight coordinat -- you know, he's the</p> <p>2 in-flight guy, and then you have the ground guy.</p> <p>3 Everyone has the same training; everyone follows the same</p> <p>4 rules, as far as contacting goes.</p> <p>5 Q Okay. But it would be SOC -- if procedures were</p> <p>6 followed correctly, it would be the decision of the SOC</p> <p>7 manager on duty to remove a passenger for further</p> <p>8 questioning?</p> <p>9 A That's correct. And then that would be</p> <p>10 irregular if those procedures are not followed.</p> <p>11 Q Okay. And once that passenger was removed,</p> <p>12 let's say for further questioning by law enforcement</p> <p>13 officers on the ground, it would be the SOC manager on</p> <p>14 duty who would decide whether those passengers, once</p> <p>15 released by law enforcement, were either denied rebooking</p> <p>16 or were put on the next available flight?</p> <p>17 A In general, I wouldn't know the reason that the</p> <p>18 law enforcement officer would take a passenger off an</p> <p>19 aircraft.</p> <p>20 Q Okay. Let me clarify a little bit. If the</p> <p>21 decision was made, passenger should be removed --</p> <p>22 A By?</p> <p>23 Q Let's say the SOC manager on duty --</p> <p>24 A Okay.</p> <p>25 Q -- decides, you know, crew members have reported</p>
<p style="text-align: right;">Page 31</p> <p>1 A -- not without first contacting SOC.</p> <p>2 Q I see. And is the decision made by SOC manager</p> <p>3 on duty?</p> <p>4 A That's correct.</p> <p>5 Q Have you ever been contacted after that decision</p> <p>6 has already been made and a passenger has been removed?</p> <p>7 A Contacted by?</p> <p>8 Q Like the first time SOC hears about it, is after</p> <p>9 the decision has already been made and the passenger's</p> <p>10 been removed from the aircraft?</p> <p>11 A It may have happened once.</p> <p>12 Q Okay. But it would be an unusual circumstance?</p> <p>13 A Very unusual.</p> <p>14 Q The ground security coordinator does not have</p> <p>15 the authority to decide that a passenger should be</p> <p>16 removed for further questioning?</p> <p>17 A That's correct.</p> <p>18 Q And the same with respect to the captain?</p> <p>19 A That's correct.</p> <p>20 Q Does the captain have the authority to say that</p> <p>21 they don't want a particular passenger to fly on their</p> <p>22 airplane without consulting SOC?</p> <p>23 A No. The captain is the security coordinator</p> <p>24 onboard that aircraft. He is the security agent onboard</p> <p>25 that aircraft. As I'm the operational security manager,</p>	<p style="text-align: right;">Page 33</p> <p>1 some suspicious behavior, they've observed, something</p> <p>2 that raises some questions, let's have that passenger</p> <p>3 removed and let law enforcement investigate. Let's do</p> <p>4 the background check, let's check the watch list, et</p> <p>5 cetera, ask them some questions about, you know, what</p> <p>6 they're doing and where they're going. Once law</p> <p>7 enforcement is done, and let's say they become convinced</p> <p>8 that the behavior was innocent and there's no threat to</p> <p>9 safety, at that point, does the SOC manager on duty make</p> <p>10 the decision about whether that passenger should be put</p> <p>11 on the next available flight, or denied rebooking and</p> <p>12 given a refund?</p> <p>13 A That's walking on the border of SSI, so I cannot</p> <p>14 answer it.</p> <p>15 Q But certainly, the SOC manager on duty is one</p> <p>16 person that has the authority to make that decision,</p> <p>17 correct?</p> <p>18 A That's correct.</p> <p>19 Q And the pilot does not have that authority?</p> <p>20 A That's correct.</p> <p>21 Q What about anybody in customer service, would</p> <p>22 they have the authority to decide whether somebody should</p> <p>23 be booked -- rebooked or not?</p> <p>24 A No.</p> <p>25 Q Mr. Marquis, I'm going to hand you what's been</p>

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<p style="text-align: right;">Page 34</p> <p>1 previously marked as Exhibit 10, and I'd ask you to  2 review the third entry on that page, subject, removal of  3 passengers. If you could just give that a quick read and  4 let me know when you're done.  5 A Which paragraph, I'm sorry?  6 Q The bottom one. The one where it starts,  7 subject, removal of passengers.  8 A How did you get this if it's confidential?  9 MR. FITZHUGH: Off the record.  10 (Off the record from 3:20 to 3:20 p.m.)  11 Q Mr. Marquis, looking at that third entry there  12 it -- it talks about reports of captains refusing to  13 accept certain passengers on flights because of the  14 passengers' ethnic or religious backgrounds; are you  15 aware of any such incidents?  16 A We've received calls, yes.  17 Q And when you say you've received calls, I  18 mean --  19 A From captains.  20 Q From captains who were --  21 A Concerns.  22 Q Okay. And how were those handled?  23 A The manager on duty discusses the concerns with  24 the captain.  25 Q And then if the manager on duty thinks that</p>	<p style="text-align: right;">Page 36</p> <p>1 whether a passenger can be denied service because of  2 generalized discomfort that the crew has with that  3 passenger?  4 A I agree with that letter, yes.  5 Q Is there anything that you would disagree with  6 in the letter you just read?  7 A No, sir.  8 Q Mr. Marquis, I'm going to hand you what's been  9 marked as Exhibit 17, and I would ask, again, that you  10 review the document. And let me know once you've taken a  11 look.  12 Mr. Marquis, do you agree that Exhibit 17  13 accurately reflects American Airlines' policy?  14 A I have never seen this before, but I agree with  15 most of this, and it does reflect the American Airlines'  16 thinking.  17 Q Is there anything you see in here that you  18 disagree with, or that you think is contradicted by your  19 understanding of American Airlines' policy, anything you  20 would take issue with?  21 A No.  22 Q Thank you. How often are you involved in  23 incidents in which a passenger is removed from a flight,  24 denied boarding, or refused service because of a security  25 concern?</p>
<p style="text-align: right;">Page 35</p> <p>1 there's not a problem, do they instruct the captain to  2 accept the passenger and transport them?  3 A Yes.  4 Q When it states that a pilot with questions  5 regarding particular passenger acceptance should contact,  6 it says the CCRO and it has a phone number there, is  7 that -- does that accurately state what a pilot should do  8 if it -- if the pilot has questions about a particular  9 passenger's acceptance?  10 A I believe that this is old, but it has 7299,  11 which is the CCRO position, which works on the podium  12 with myself.  13 Q Okay.  14 A So --  15 Q So, generally, this --  16 A -- if you can call any of those 12 numbers, then  17 that's just one.  18 Q Okay. Very good. I think I'm done with Exhibit  19 10. I'd like you to take a look at a document we've  20 previously marked as Exhibit 19. And you can just take a  21 moment to review that, and let me know when you're done.  22 A Okay.  23 Q Thank you. Mr. Marquis, does the letter marked  24 as Exhibit 19, does it accurately reflect your  25 understanding of American Airlines' policy regarding</p>	<p style="text-align: right;">Page 37</p> <p>1 A I can't say.  2 Q I mean, is that something that happens every  3 day, every week, every month?  4 A You have 2300 flights a day. I may go in  5 tomorrow and have none; I may go in tomorrow and have  6 ten.  7 Q Okay.  8 A There's no timetable for that.  9 Q Okay.  10 A I mean, you have times of the year where, you  11 know, there's holidays going on, red alerts, spring  12 break, you can understand.  13 Q Certainly. How many SOC managers on duty are  14 there? I know there's only one at a time, but how many  15 other people have the same responsibilities you do  16 when --  17 A There's four MOD's --  18 Q Okay.  19 A -- center manager MOD's.  20 Q I see. Have you been involved in any incidents  21 that resulted in a passenger complaining of  22 discrimination, other than this one?  23 A Yes.  24 (Interruption.)  25 A I'm sorry.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q No problem.</p> <p>2 A I had turned it off once.</p> <p>3 Q We can take a break if you need to.</p> <p>4 A No, it's not necessary.</p> <p>5 Q Okay. How many incidents -- how many such</p> <p>6 incidents that resulted in some sort of discrimination</p> <p>7 complaint?</p> <p>8 A One.</p> <p>9 Q Can you describe for me what happened in that</p> <p>10 incident?</p> <p>11 A In general?</p> <p>12 Q Let's start in general.</p> <p>13 A A secret service agent was denied boarding.</p> <p>14 Q Any other incidents that resulted in</p> <p>15 discrimination complaint?</p> <p>16 A That's all.</p> <p>17 Q In that incident with the secret service agent,</p> <p>18 were you the person that made the decision that that</p> <p>19 passenger should be removed from the flight?</p> <p>20 MR. FITZHUGH: Objection, form, assumes</p> <p>21 facts not in evidence or established by the record.</p> <p>22 Can you answer the question?</p> <p>23 Q If you understand the question. In other words,</p> <p>24 were you the decision maker?</p> <p>25 MR. FITZHUGH: I think you should lay a</p>	<p style="text-align: right;">Page 40</p> <p>1 information that he obtained from law enforcement</p> <p>2 officers involved with the incident and other American</p> <p>3 Airlines' personnel. Is that statement accurate, as far</p> <p>4 as you know?</p> <p>5 A Yes.</p> <p>6 Q But you don't recall today speaking to the law</p> <p>7 enforcement officers or other American Airlines'</p> <p>8 personnel?</p> <p>9 A I do not recall, but those are things that we do</p> <p>10 before we made that decision.</p> <p>11 Q Okay. Thank you.</p> <p>12 A Yes, sir.</p> <p>13 Q I can take that back. Other than the CCRO on</p> <p>14 duty, I think we've established was Rhonda Cobbs, is</p> <p>15 there anybody else within SOC that you would turn to to</p> <p>16 work on an incident, such as the one we're discussing?</p> <p>17 A Yes.</p> <p>18 Q Who are those people?</p> <p>19 MR. FITZHUGH: I'm going to instruct the</p> <p>20 witness not to answer based upon it being SSL.</p> <p>21 MR. KIRKPATRICK: And I'm not, just to be</p> <p>22 clear, I'm not asking for their names in particular but</p> <p>23 their positions.</p> <p>24 MR. FITZHUGH: It doesn't matter. It would</p> <p>25 violate 49 CFR 1520, particularly the sections of that</p>
<p style="text-align: right;">Page 39</p> <p>1 better foundation. I think it's -- the first question</p> <p>2 you asked and he answered to, doesn't lead to the one you</p> <p>3 just asked.</p> <p>4 If you can answer the question, answer it.</p> <p>5 But otherwise -- I'll leave it up to you.</p> <p>6 A Can you read the question prior, please?</p> <p>7 (Reporter read requested testimony.)</p> <p>8 A Yes.</p> <p>9 Q Are you aware of any American Airlines' employee</p> <p>10 who has been disciplined for considering a passenger's</p> <p>11 race, color, national origin, or ethnicity in determining</p> <p>12 whether the passenger should be removed from a flight,</p> <p>13 denied boarding or refused service?</p> <p>14 A No.</p> <p>15 Q Mr. Marquis, I'm going to show you what's been</p> <p>16 previously marked as Deposition Exhibit 2. For the</p> <p>17 record, this is an American Airlines' answers to</p> <p>18 plaintiff's first set of interrogatories, and I'd like</p> <p>19 you to -- on Page 2, take a look at Interrogatory Number</p> <p>20 2 with the question and the response.</p> <p>21 A Okay.</p> <p>22 Q Okay. The statement that Mr. Craig Marquis made</p> <p>23 this decision, we're talking about the decision to refuse</p> <p>24 service to Mr. Cerqueira after he was released from</p> <p>25 questioning, Mr. Marquis made that decision based on</p>	<p style="text-align: right;">Page 41</p> <p>1 protocols, guidelines and implementation of security</p> <p>2 procedures. I'm instructing the witness not to answer</p> <p>3 the question for those, among other elements of that</p> <p>4 title of the Code of Federal Regulations.</p> <p>5 Q Do you have any recollection about whether, with</p> <p>6 regard to this incident, you interacted with anyone at</p> <p>7 SOC other than Rhonda Cobbs?</p> <p>8 A I do not recall.</p> <p>9 Q Just give me a moment to look at my notes.</p> <p>10 MR. FITZHUGH: No problem.</p> <p>11 MR. KIRKPATRICK: I think we're done.</p> <p>12 I pass the witness.</p> <p>13 (3:35 p.m.)</p> <p>14 EXAMINATION</p> <p>15 BY MR. FITZHUGH:</p> <p>16 Q Mr. Marquis, just a few questions about the</p> <p>17 incident you identified in response to Mr. Kirkpatrick's</p> <p>18 question about other customers complaining of</p> <p>19 discrimination. You recall your testimony on that point</p> <p>20 about the secret service agent?</p> <p>21 A Yes, sir.</p> <p>22 Q And was he removed from the flight, or was he</p> <p>23 denied boarding on the flight or do you recall?</p> <p>24 A He was denied boarding.</p> <p>25 Q So even though Mr. Kirkpatrick's question was</p>

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<p style="text-align: right;">Page 42</p> <p>1 about whether he was re -- about passengers removed from  2 the flight, your answer, in fact, was about a situation  3 where a passenger was initially denied boarding?  4 A That's correct.  5 Q And with regard to the circumstances of his  6 being denied boarding, do you recall the decision you  7 made to deny him boarding?  8 A Yes.  9 Q And do you recall the reasons?  10 A Yes.  11 Q And without disclosing any SSI, describe why he  12 was denied boarding on a flight.  13 A Without disclosing SSI, it was due to his  14 conduct.  15 Q And was there an issue about him failing to  16 provide some documentation that would have been required?  17 A Yes.  18 Q And was this ultimately explained to those who  19 made inquiry of you as to the reasons for your decision?  20 A Yes.  21 Q And, to your knowledge, has that person ever  22 pursued an administrative or legal complaint based upon  23 your decision?  24 A No, sir.  25 Q And at any time in your decision-making process,</p>	<p style="text-align: right;">Page 44</p> <p>1 CHANGES AND SIGNATURE  2 CRAIG MARQUIS JUNE 15, 2006  3 PAGE LINE CHANGE REASON  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">Page 43</p> <p>1 were you aware of the agent's ethnicity?  2 A No, sir.  3 MR. FITZHUGH: That's all I have.  4 MR. KIRKPATRICK: I have nothing further.  5 Thank you.  6 (Off the record at 3:37 p.m.)  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 45</p> <p>1 I, CRAIG MARQUIS, have read the foregoing deposition  2 and hereby affix my signature that same is true and  3 correct, except as noted above.  4  5  6 CRAIG MARQUIS  7 THE STATE OF )  8 COUNTY OF )  9 Before me, , on this day personally  10 appeared CRAIG MARQUIS known to me (or proved to me under  11 oath of through ) (description of  12 identity card or other document) to be the person whose  13 name is subscribed to the foregoing instrument and  14 acknowledged to me that they executed the same for the  15 purposes and consideration therein expresses.  16 Given under my hand and seal of office this  17 day of , .  18  19  20 NOTARY PUBLIC IN AND FOR  21 THE STATE OF TEXAS  22  23  24  25</p>

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<p style="text-align: right;">Page 46</p> <p>1 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>2</p> <p>3 JOHN D. CERQUEIRA, ) 4 Plaintiff ) 5 V. ) CIVIL ACTION NO. 05-11652-WGY</p> <p>6 AMERICAN AIRLINES, INC., ) 7 Defendant )</p> <p>8 REPORTER'S CERTIFICATE DEPOSITION OF CRAIG MARQUIS JUNE 15, 2006</p> <p>9 I, Thu Bui, Certified Shorthand Reporter in and for 10 the State of Texas, hereby certify to the following: 11 That the witness, CRAIG MARQUIS, was duly sworn by 12 the officer and that the transcript of the oral 13 deposition is a true record of the testimony given by the 14 witness; 15 That the deposition was submitted on June 22, 2006 16 to the witness or to the attorney for the witness for 17 examination, signature and return to my by July 12, 2006; 18 That the amount of time used by each party at the 19 deposition is as follows: 20 Mr. Michael T. Kirkpatrick - 01:03 21 Mr. Michael A. Fitzhugh - 00:02 22 23 That pursuant to information given to the deposition 24 officer at the time said testimony was taken, the 25 following includes counsel for all parties of record:</p>	
<p style="text-align: right;">Page 47</p> <p>1 Mr. Michael T. Kirkpatrick, Attorney for Plaintiff Mr. Michael A. Fitzhugh, attorney for Defendant</p> <p>2</p> <p>3 I further certify that I am neither counsel for, 4 related to, nor employed by any of the parties or 5 attorneys in the action in which this proceeding 6 Was taken, and further that I am not financially or 7 otherwise interested in the outcome of the action. 8 Certified to by me this 22nd day of June, 2006. 9 10 11</p> <p>12 Thu Bui, CSR# 7618 Expiration Date: 12-31-07 Firm Registration No. 59 13 Collins Realtime Reporting 600 N. Pearl Street 14 Suite 640 Dallas, Texas 75201 15 Phone: 214-220-2449 16 17 18 19 20 21 22 23 24 25</p>	

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Thu Bui, CSR Collins Realtime Reporting 214-220-2449